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DRAFT REPORT OF THE COMMISSION

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/20. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of living in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, which has underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international solidarity and cooperation based on free consent to the realization of the

right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Welcoming the decision taken by the General Assembly, in its resolution 47/92 of 16 December 1992, to convene a World Summit for Social Development, to take place at Copenhagen in 1995, which will have among its objectives to put the needs of people at the centre of development and of international cooperation and to identify common problems of socially marginalized and disadvantaged groups and promote their integration into society,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Recalling that the World Conference on Human Rights encouraged the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for an effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1993/14 of 26 February 1993,

1. Affirms that the full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the

effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

2. Welcomes the important work of the Committee on Economic, Social and Cultural Rights in its continuing efforts to give impetus to the implementation process and to develop greater in-depth understanding of the relevant issues within the framework of the International Covenant on Economic, Social and Cultural Rights by holding general discussions on specific rights or articles and by adopting general comments;

3. Takes note with interest of the Committee's decision to hold in 1994 two general discussions, on the role of social safety nets as a means of protecting economic, social and cultural rights with particular reference to situations involving major structural adjustment and/or transition to a free market economy, and on human rights education and public information activities;

4. Encourages States parties to continue to give their full support and cooperation to the Committee and to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the national consideration of their periodic reports, as well as the widest possible distribution of those reports at the national level;

5. Urges all States parties to submit their reports in a regular and timely manner, as recommended in the Vienna Statement of the International Human Rights Treaty Bodies, adopted during the World Conference on Human Rights (A/CONF.157/TBB/4);

6. Takes note of the steps taken by the Committee on Economic, Social and Cultural Rights for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, and invites the Committee to report thereon to the Commission on Human Rights at its fifty-first session;

7. Recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action;

8. Notes the conclusions and recommendations of the Seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, held at Geneva in January 1993;

9. Recommends that, as a follow-up to the Seminar on indicators, the Centre for Human Rights convene expert seminars for chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights;

10. Invites Member States, when including measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, to consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, as well as to seek the participation of communities affected by the non-realization of these rights;

11. Invites States parties to the International Covenant on Economic, Social and Cultural Rights, in the light of its article 2 and of General Comment No. 3 (1990) adopted by the Committee on Economic, Social and Cultural Rights (E/1991/23, annex III), to identify specific national benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of the minimum essential levels of each of the rights;

12. Reaffirms the importance of ensuring the study of specific economic, social and cultural rights, and in this framework recognizes the interest of the progress report on the right to adequate housing, submitted by Mr. Rajindar Sachar, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/15);

13. Endorses the decision of the Sub-Commission, contained in its resolution 1993/40 of 26 August 1993, to entrust Mr. Asbjørn Eide with the task of producing a preparatory document on the relationship between the enjoyment of human rights, particularly economic, social and cultural rights, and income distribution, and encourages the Sub-Commission to continue to give attention to this issue;

14. Takes note with deep appreciation of the reports on the realization of economic, social and cultural rights submitted by the Special Rapporteur of

the Sub-Commission, Mr. Danilo Türk, and reaffirms its requests to the Secretary-General to ensure the publication of the study of the Special Rapporteur in a single document;

15. Welcomes the suggestion made by the Special Rapporteur that cooperation between the financial institutions and the human rights organs of the United Nations be strengthened, in particular by encouraging the participation of the representatives of those institutions in the meetings of the human rights organs;

16. Also welcomes the dialogue which has been established between human rights bodies, in particular the Centre for Human Rights as a coordinating focal point, and other bodies of the United Nations system, including the international financial institutions, and encourages these bodies to increase their participation in the meetings of human rights bodies, including the treaty monitoring bodies;

17. Requests the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights;

18. Also requests the Secretary-General to continue to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

19. Encourages the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means for evaluating and monitoring their realization;

20. Decides to consider issues raised by the present resolution at its fifty-first session under the appropriate agenda item.

46th meeting
1 March 1994

[Adopted by a roll-call vote of 52 to none, with 1 abstention.]

1994/21. The right to development

The Commission on Human Rights,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the Charter,

Reaffirming also the principles contained in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Underlining that the right to development as a universal and inalienable right and an integral part of fundamental human rights was reaffirmed by the Vienna Declaration and Programme of Action and that the human person is the central subject of development,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner and on the same footing, and the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Fully aware of the consensus agreements on "A New Partnership for Development: The Cartagena Commitment" and "A new global partnership for sustainable development" contained, respectively, in the final documents adopted by the United Nations Conference on Trade and Development at its eighth session and by the United Nations Conference on Environment and Development,

Recalling General Assembly resolution 48/130 of 20 December 1993 and its own resolution 1993/22 of 4 March 1993 concerning, inter alia, the establishment of the Working Group on the Right to Development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Convinced of the valuable contribution a widespread campaign to disseminate the provisions of the Declaration on the Right to Development can provide towards the implementation and realization of the Declaration,

Bearing in mind that Governments which have nominated experts as members of the Working Group on the Right to Development may also nominate alternate experts to the Group,

Underlining that the mandate of the High Commissioner for Human Rights includes the promotion and protection of the realization of the right to development and the enhancement of support from relevant bodies of the United Nations system for this purpose,

Having considered the report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21 and Corr.1),

1. Takes note with appreciation of the report of the Working Group on the Right to Development on its first session;

2. Welcomes the efforts made by the Working Group, which are increasingly oriented towards the establishment of a permanent evaluation mechanism in the future, to follow up the implementation of the Declaration on the Right to Development;

3. Reiterates its request to the Secretary-General to ensure that the Working Group is granted all the necessary assistance, in particular human and financial resources, to carry out its mandate;

4. Urges the Secretary-General to take the necessary measures in order to achieve wide and effective dissemination of the provisions of the Declaration on the Right to Development;

5. Welcomes the recommendations of the Working Group on the Right to Development and, in this respect, requests the Secretary-General to:

(a) Invite Governments, international financial institutions, the regional economic commissions, the Commission on Social Development and the Commission on the Status of Women, as well as the relevant bodies and organizations of the United Nations system, including the Department of Humanitarian Affairs, and non-governmental organizations to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary

guidelines and the check-list contained in annex 1 to the report of the Working Group;

(b) Provide the Centre for Human Rights with a focal unit specially designed to follow up on the Declaration and its implementation, which would collate and analyse information and replies from Member States, intergovernmental and non-governmental organizations, present the results of the work on the right to development to regional or international meetings, including those of all United Nations agencies and international financial institutions with development mandate, and perform such tasks as are assigned to it by the Working Group;

6. Urges the Working Group to make recommendations on the implementation of the right to development, taking into account policies at the national and international levels, particularly towards the creation of a favourable international economic climate which would be more responsive to the needs of the developing countries, as well as to give priority to the special needs of the least developed countries;

7. Requests the Secretary-General to convene a joint consultative meeting of the members of the Working Group and the Chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, other relevant treaty bodies and the Sub-Commission on Prevention of Discrimination and Protection of Minorities so as to enrich and discuss their experience in matters of evaluation, criteria of performance and monitoring;

8. Decides that the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions should be invited to participate actively in the future sessions of the Working Group so that they can contribute substantially to its work;

9. Recommends that consideration be given to inscribing the question of the right to development on the agenda of forthcoming conferences convened by the United Nations, including in particular the International Conference on Population and Development, the World Summit for Social Development, the Fourth

World Conference on Women: Action for Equality, Development and Peace and the substantive session of the Commission on Sustainable Development;

10. Also recommends that the Assistant Secretary-General for Human Rights suggest that the members of the Administrative Committee on Coordination at their forthcoming regular meeting incorporate the right to development as a major component of the programmes and activities of the Committee;

11. Decides that the Working Group will hold two sessions, each for a two-week period, in May and October 1994 to continue to carry out the mandate of the Group;

12. Recommends to Governments which have nominated experts as members of the Working Group also to nominate alternate experts to the Working Group, if they so wish;

13. Requests the Economic and Social Council at its substantive session for 1994 and the General Assembly at its forty-ninth session, under the agenda item "Human rights questions", to continue to consider the question of the implementation of the provisions contained in the Declaration on the Right to Development;

14. Requests the High Commissioner for Human Rights to promote the implementation of the right to development and the Declaration on the Right to Development, inter alia by working closely with the Working Group on the Right to Development;

15. Urges the High Commissioner for Human Rights to make recommendations towards enhancing the support from relevant bodies of the United Nations system in fulfilment of his mandate to promote and protect the realization of the right to development;

16. Requests the Working Group to submit to the Commission at its fifty-first session a report on the progress of its work during 1994;

17. Requests the Secretary-General to submit to the Commission at its fifty-first session a report on the implementation of the present resolution;

18. Decides to consider at its fifty-first session the agenda item entitled "Question of the realization of the right to development".

46th meeting
1 March 1994

[Adopted by a roll-call vote of 42 to 3, with 8 abstentions.]

1994/22. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted without a vote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and taking note of General Assembly resolution 48/138 of 20 December 1993,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Conscious of the need to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration,

Recalling its resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Noting resolutions 1993/42 and 1993/43 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1993,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities, by, inter alia, taking due account of and giving effect to the Declaration,

Noting the report of the Secretary-General on the implementation of Commission resolution 1993/24 (E/CN.4/1994/72 and Corr.1 and 2),

Noting with appreciation the final report (E/CN.4/Sub.2/1993/34 and Add.1-4) of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

Concerned about the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole in the State where such persons live,

Mindful of the recommendations contained in part II, paragraphs 25 to 27 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

1. Takes note with appreciation of the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

2. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Calls upon States which so wish to consider concluding bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as appropriate;

4. Urges relevant treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates, to the Declaration;

5. Calls upon the High Commissioner for Human Rights to give due regard, within his mandate, to the Declaration;

6. Urges the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to give due regard, within its mandate, to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and endorses the decision to entrust Mr. Asbjørn Eide, without financial implications, with preparing a working paper containing suggestions on the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities;

7. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. Calls upon the Secretary-General to make available, at the request of Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues, human rights, and dispute management, resolution and prevention, and to assist in existing or potential situations involving minorities;

9. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within existing resources;

10. Calls upon States and the Secretary-General respectively to give due regard to the Declaration in training programmes for officials;

11. Invites the Secretary-General to continue the dissemination of information on the Declaration and the promotion of understanding thereof;

12. Requests the Secretary-General to seek views and information from Governments, the specialized agencies, relevant United Nations organs and bodies, regional intergovernmental organizations and bodies and non-governmental organizations and experts in all regions on issues relating to the promotion and implementation of the Declaration and to consider, if necessary, requesting the assistance of an expert or experts and/or other forms of expertise, within the framework of the existing human rights mechanisms, with a view to presenting an analytical report at its next session;

13. Decides to continue consideration of this issue and to consider the analytical report at its fifty-first session under the same agenda item.

46th meeting
1 March 1994
[Adopted without a vote.]

B. Decisions

1994/101. Organization of work

At its 2nd meeting, on 1 February 1994, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Ms. M. Pinto, independent expert on the situation of human rights in Guatemala; Mr. P. Nikken, independent expert on the situation of human rights in El Salvador;

(b) In connection with item 4: Mr. R. Felber, Special Rapporteur on the Palestinian territories occupied by Israel;

(c) In connection with item 5: Mr. M.L. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa;

(d) In connection with item 6: Mrs. J.S. Attah, Special Rapporteur of the Sub-Commission on monitoring the transition to democracy in South Africa;

(e) In connection with item 7: Mr. L. Valencia Rodríguez, independent expert on the right to own property;

(f) In connection with item 8: Mr. M. Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development;

(g) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(h) In connection with item 10: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention; Mr. A. Hussain, Special Rapporteur on the right to freedom of opinion and expression;

(i) In connection with item 10 (a): Mr. N. Rodley, Special Rapporteur on the question of torture;

(j) In connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(k) In connection with item 10 (d): Mr. J. Rhenán Segura, Chairman-Rapporteur of the Working Group on a draft optional protocol to the Convention against Torture;

(l) In connection with item 11 (d): Mr. F.M. Deng, Representative of the Secretary-General on the question of internally displaced persons;

(m) In connection with item 12: Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. A. Artucio Rodríguez, Special Rapporteur on the situation of human rights in Equatorial Guinea; Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar; Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba; Mr. T. Mazowiecki, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia; Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq; Mr. T. Bruni Celli,

Special Rapporteur on the situation of human rights in Haiti; Mr. G. Biro, Special Rapporteur on the situation of human rights in the Sudan; Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(n) In connection with item 12 (b): Mr. E.H. Guissé. Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations are being considered under item 12 (b);

(o) In connection with item 14: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

(p) In connection with item 17: Mr. A.S. Al-Khasawneh, Chairman of the forty-fifth session of the Sub-Commission;

(q) In connection with item 20: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(r) In connection with item 22 (b): Mr. V. Muntarbhorn, Special Rapporteur on the sale of children.